

(Adopted: 8/1/75; Amended: 2/5/88; Amended: 10/21/97)

RULE 514

Continuances

The Chairman or any three members of the Hearing Board shall grant any continuance of fifteen (15) days or less, concurred in by petitioner, the APCO and by every person who has filed an answer in the action, and may grant any reasonable continuance, in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

[SIP: Deletion Challenged, U.S. 9th Cir. Case # 97-71117; Deleted 6/27/97 62 FR 34641, 40 CFR 52.220(c)(39)(iii)(F) and 40 CFR 52.220(c)(30)(x)(B); Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(iii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(30)(x)(A)]

(Adopted: 8/1/75; Amended & Reorganized: 2/5/88;
Amended: 1/5/90; Amended: 3/6/92; Amended: 10/21/97)

RULE 515

Findings And Decision

- (a) No variance shall be granted unless the Hearing Board makes all the following findings:
 - (1) That the petitioner is or will be in violation of any rule, regulation or order of the Antelope Valley Air Pollution Control District Hearing Board or applicable section of the California State Health & Safety Code (H&S Code).
 - (2) That due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either:
 - (A) An arbitrary or unreasonable taking of property, or
 - (B) The practical closing and elimination of a lawful business.
 - (3) That such closing or taking would be without a corresponding benefit in reducing air contaminants.
 - (4) That the applicant for the variance has given consideration to curtailing operations of the source in lieu of obtaining a variance.